



## City of Seattle

Edward B. Murray, Mayor

### Department of Construction and Inspections

Nathan Torgelson, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

**Project Number:** 3021577  
**Applicant:** Jill Macik, Seattle Department of Transportation  
**Address of Proposal:** 100 R East Allison Street

### SUMMARY OF PROPOSAL

Shoreline Substantial Development Application to allow public open space at the end of E Allison St. Project includes landscaping, seating and improved access to the water. (Seattle Department of Transportation Shoreline Street End project)

The following approvals are required:

**Shoreline Substantial Development** (SMC 23.60)

**SEPA – Environmental Threshold Determination** (SMC 25.05)

Determination of Non-Significance:

- ☐ No mitigating conditions of approval are imposed.
- ☒ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

### SITE AND VICINITY

Site Zone: Commercial 2 – 40 (C2-40)

Nearby Zones: North: C2-40  
South: C2-40  
East: Lake Union  
West: C1-40

Total Area New Construction: 890 sq. ft.



Overlay: Shoreline - Urban Commercial

ECA: Liquefaction Prone Area - ECA5

Existing Conditions:

The project site is a +/- 3,659 square foot area located at the terminus of E. Allison Street within the East Lake Union neighborhood district. The road terminus is currently paved with no curb and gutter and is immediately adjacent to single-family residential structures to the northeast, a vacant marine service outlet to the northwest, the Lake Union Crew club house to the southwest and a mixture of condominiums, houses and businesses to the south.

The shoreline is armored with concrete blocks and vegetation near the crew club house to the south and a vertical concrete and timber wall to the north. Run-off from the immediate area flows directly into Lake Union at this local. The project area also contains two outfalls, one a sanitary drainage mainline owned by Seattle Public Utilities the other a private stormwater drainage mainline, owned by the Washington State Department of Transportation, which drains stormwater from Interstate-5, located to the east.

PUBLIC COMMENT

The public comment period ended on April 15, 2016. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to the bulkhead work near the stormwater outfall and void spaces potentially being too large where predatory fish could hide and feed on protected juvenile salmon. Other comments pertained to the need for plants that provide salmonid habitat, the need for an aggressive invasive plant management plan to ensure that the proposed new landscaping would not overrun by Japanese knotweed, and the potential negative effects of artificial lighting on juvenile salmon.

**I. ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT**

Section [23.60A.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: “The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:”

1. *Is consistent with the policies and procedures of RCW 90.58.020;*
2. *Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;*
3. *Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted; and*
4. *If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.*

**1. Is consistent with the policies and procedures of RCW 90.58.020;**

Chapter [90.58](#) RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. Construction of the proposed park and street end improvements will result in no direct impacts to nearby Lake Union. The project will use the appropriate Best Management Practices during construction for the protection of the aquatic habitat, and therefore will not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline. The subject application is consistent with the procedures outlined in RCW [90.58](#). The proposed project, Parks and open space are uses are a permitted use in the in the Commercial 2 – 40 (C2-40) underlying zone (SMC 23.55.030.082) and the Urban Commercial Environment overlay (SMC 23.60A.382).

**2. Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;**

The project proposal is for a recreational/park development in the road right-of-way (ROW) of E Allison Street, where the road terminates at Lake Union. The project is part of SDOT's Shoreline Street Ends program, which has plans to perform similar improvements at street ends located throughout Seattle. The project proposes to create a seating area, and stairs into Lake Union to provide visitors with water access. The project also includes landscaping, seating, and bicycle parking. Parks and open space are uses are a permitted use in the Urban Commercial Environment (SMC 23.60A.382).

**3. Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted;**

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter [23.60A](#) that also incorporates the provisions of Chapter [173-27](#), WAC. [Title 23](#) of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use and subsequent development meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle [Comprehensive Plan](#), and the purpose

and location criteria for each shoreline environment must be considered and this project with its upland location was found to comply. The purpose of the UC Environment Commercial (SMC 23.60A.220.D.6) is to provide for single-family residential development and accessory structures, while protecting ecological functions. A proposal must also be consistent with the general development standards of SMC 23.60A.152, the specific standards of the shoreline environment (SMC 23.60A.384) and underlying zoning designation, which is discussed below.

#### SMC 23.60A.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environments. The standards require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. Compliance with applicable codes and ordinances for construction of the project (e.g., Building Code, Stormwater Code, and Grading Code) will reduce or eliminate most potential adverse long-term impacts to the shoreline environment. The applicant will implement Best Management Practices during development to ensure, in part, protection of water quality and potential adverse impacts to the shoreline environment and nearby Lake Union during construction.

#### Standards for UC Environment.

The subject property is classified as a water front lot and located within an Urban Commercial (UC) Environment shoreline, as designated by the Seattle Shoreline Master Program. Pursuant to SMC Table 23.60A.383, in which parks are permitted outright. The project has been reviewed by Seattle DCI staff and found to be consistent with all applicable use and development standards such as height, lot coverage, and view corridor.

4. **If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.**

The proposed project does not require special use approval, a shoreline conditional use permit or a shoreline variance permit.

#### **Conclusion**

SMC Section [23.60A.063](#) provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter [23.60A](#), and with RCW [90.58.020](#) (State policy and legislative findings). The project as proposed meets development standards and requirements of the underlying Commercial 2 (C2) zone and Urban Commercial environment overlay and therefore should be approved.

Therefore as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

## **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

### **II. ANALYSIS – SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on February 19, 2016. The Seattle Department of Construction and Inspections and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy (SMC 25.05.665) states, in part, *“Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### **Short-term Impacts**

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, construction traffic and parking impacts, and greenhouse gas, as well as mitigation.

#### **Greenhouse Gas Emissions**

Construction activities including worker commuter trips, construction vehicle trips, operating of construction equipment and machinery, will result in minor increases in carbon dioxide and other

greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are considered to have a potential adverse effect, they are temporary in nature and therefore not expected to be significant and no further mitigation is warranted pursuant to SMC 25.05.675.A.

### Construction Parking and Traffic

Increased trip generation is expected during the proposed demolition, and construction activity. The area is subject to some traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited congested neighborhood on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at:  
<http://www.seattle.gov/transportation/cmp.htm>.

### Construction Noise

The project is expected to generate increased noise levels during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

### Long -term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, including: public views and fish habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. No further SEPA

conditioning is warranted for those impacts (SMC 23.05.665). However, greenhouse gas warrants further analysis.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

### **CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT**

#### Prior to Issuance of any Permit to Construct or Demolish

1. The applicant shall provide plans that incorporate acceptable Best Management Practices that include but not limited to the following:
  - a. Install and maintain a silt curtain/sediment control fence at the edge of the parking area and filter fabric over existing drainage intakes to minimize the amount of sediment introduced into Lake Union.
  - b. Surround any stockpiled construction debris with appropriate containment material, such that construction debris does not enter the water, and
  - c. Dispose of all construction debris in an appropriate upland facility.



Prior to and During Construction

2. The owner(s), builder(s), or responsible party(s) shall follow a Best Management Practices and the Emergency Containment plan developed to prevent debris and other deleterious material from entering the water during construction.
3. Equipment using oil, gasoline, or diesel used on site shall be checked daily for evidence of leakage, if evidence of leakage is found, further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

**CONDITIONS – SEPA**

Prior to Issuance of a Demolition or Building Permit

4. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

David Landry, AICP, Land Use Planner  
Seattle Department of Construction and Inspections

Date: September 15, 2016

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**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.